IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.25197 OF 2004
DATED 26-06-2007

BETWEEN

Kakani Sailaja.

.. PETITIONER

And

The District Registrar,
Registration Department,
Nellore Proper & District and another.

.. RESPONDENTS

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.25197 of 2004

Oral Order:

The petitioner challenges the action of the 2nd respondent in keeping the document presented to him for registration as illegal and violative of the provisions of the Registration Act and seeks a consequential direction to release the said document after registration.

The petitioner is stated to have purchased an extent of Ac.14.00 of dry land situated in S.No.49 (Resurvey No.46) of Tiruveedipadu Village of Dagadarthi Mandal, Nellore District from his vendor Konduru Pitchi Reddy. The sale deed was presented before the 2nd respondent for registration on 24.12.1999. The document was assigned pending number P.14 of 1999. Ever since, the document was not released on the ground that the 2nd respondent received a communication from the local Mandal Revenue Officer to the effect that proceedings under the Inams Abolition Act are pending in relation to the said lands. The petitioner submits that the action of the 2nd respondent in keeping the document pending for such a long time is contrary to the prescribed procedure and seeks necessary direction.

Learned counsel for the petitioner submits that though the document was assigned pending number in the year 1999, the respondent has not released the document so far allegedly on the basis of instructions received from the Mandal Revenue Officer.

Learned Government Pleader for Revenue on the other hand submits that the 2nd respondent could not release the document on account of the fact that there is a serious dispute as to whether the lands covered by the document are inam lands in the purview of the A.P.(Andhra Area) Inams (Abolition and conversion into Ryotwari) Act, 1956 (for short 'the Act').

It is almost eight years ago the document has been presented for registration. The only ground on which it is not admitted to registration is that the proceedings under the Act are pending before various authorities.

Learned counsel for the petitioner submits that the vendor of the petitioner had approached this Court on an earlier occasion and a categorical finding was given in his favour to the effect that he is entitled to be granted

ryotwari patta and the same has since been implemented after a contempt case was filed.

Even assuming that there is any cloud on the title of the vendor of the petitioner, it is not at all the concern of the registering authorities while examining the documents for registration. It hardly needs any emphasis that a registering authority is not vested with the power to examine the title of the vendor and that a person cannot convey a better title than what he had. The mere fact that the sale deed was registered does not bring about any change in relation to the rights over the land in question.

For the foregoing reasons, the writ petition is allowed and the 2nd respondent is directed to release the document forthwith.

L.NARASIMHA REDDY,J

Dated

msv